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August 14, 2020

VIA ECF

Hon. J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, New York 10007

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Re: *Angel Hernandez v. The Office of the Commissioner of Baseball, et al.*
18 Civ. 9035 (JPO) (GWG)

Dear Judge Oetken:

We represent Defendants The Office of the Commissioner of Baseball and MLB Baseball Blue, Inc. (together, “MLB”) and write (i) in response to Plaintiff Angel Hernandez’s July 17, 2020 correspondence to the Court (Dkt. 185) regarding the redactions contained in Plaintiff’s Reply Memorandum in Support of Plaintiff’s Motion for Partial Summary Judgment, with supporting papers (“Plaintiff’s Reply”); and (ii) in support of MLB’s request to file certain documents under seal contained in MLB’s Reply Memorandum of Law In Further Support of its Cross-Motion For Summary Judgment, with supporting papers, filed herewith (“MLB’s Reply,” and together with Plaintiff’s Reply, the “Reply Papers”).

The proposed redactions in the parties’ Reply Papers consist of: (i) documents concerning non-party umpire employment records; and (ii) medical and personal contact information.¹ For the reasons set forth fully in MLB’s sealing application and reply (Dkts. 154 & 184), we respectfully request that the Court permit the limited redactions MLB proposes in the Reply Papers as fully set forth below.

Plaintiff’s Reply

- Plaintiff’s Reply Memorandum of Law (Dkt. 186) – Plaintiff’s Reply Memorandum of Law purports to quote from and/or summarize written performance evaluations of non-parties umpires. Plaintiff’s reply memorandum also contains deposition testimony concerning non-party umpire personnel information. Because not all of Plaintiff’s proposed redactions satisfy the sealing standard, MLB is seeking to seal only portions of what Plaintiff redacted at Dkt. 186 and has attached its proposed and more limited redactions to this letter as **Exhibit A**.

¹ The third category of documents MLB requested to be filed under seal – *i.e.*, confidential and proprietary business information on which Plaintiff does not rely or is peripheral to his claims, but nonetheless Plaintiff filed with his motion (*See* Dkts. 154 at p. 5 & 184 at p. 5.) – is not at issue in the Reply Papers.



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- Plaintiff's Counterstatement to Defendants' Statement of Material Facts (Dkt. 188) – Plaintiff's Counterstatement purports to quote from and/or summarize written performance evaluations of non-party umpires, as well as other documents and testimony concerning evaluative comments regarding non-party umpires. It also contains medical information concerning Plaintiff that Plaintiff believes would be highly embarrassing to him. Because not all of Plaintiff's proposed redactions satisfy the sealing standard, MLB is seeking to seal only portions of what Plaintiff has redacted at Dkt. 188 and has attached its proposed redactions to this letter as **Exhibit B**.²
- Excerpts from Day 1 of Plaintiff's Deposition (Dkt. 188-3) – These excerpts contain medical information concerning Plaintiff that Plaintiff believes would be highly embarrassing to him. MLB's proposed redactions are consistent with Plaintiff's redactions at Dkt. 188-3.
- Excerpts from Day 2 of Plaintiff's Deposition (Dkt. 188-4) – MLB does not request any redactions in the deposition excerpt Plaintiff filed. Dkt. 188-4 can be filed publicly.

MLB's Reply

MLB seeks to redact two limited references in its reply memorandum of law concerning the performance of non-party umpires: (i) on page 14, n.13, the identities of non-party umpires in connection with comments in their formal written performance evaluations; and (ii) on page 19, an observation regarding the performance of a non-party umpire. In accordance with the Court's Individual Practices, MLB highlighted the redactions it seeks in its reply brief and electronically related it to this letter motion.

Respectfully submitted,

/s/ Neil H. Abramson

Neil H. Abramson

cc: All Counsel (via ECF)

² The paragraphs from MLB's L.R. 56.1 Statement that are reproduced in Plaintiff's Counterstatement are redacted consistently with MLB's moving papers. (See Dkts. 166 & 174.)